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Human rights situation in Palestine and other occupied Arab territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan

Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 28/26 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. In the report, developments concerning the establishment and expansion of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are highlighted. An update and analysis is also provided of the effects of related house demolitions, evictions, settlement expansion, settler violence, discriminatory zoning and planning policies on the economic, social and cultural rights of Palestinians. Lastly, in the report, the Secretary-General addresses issues related to Israeli settlements in the occupied Syrian Golan.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 28/26 and covers the period from 1 November 2014 to 31 October 2015.

2. The report is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on information provided by other United Nations entities in the Occupied Palestinian Territory. It also contains information received from Israeli and Palestinian non-governmental organizations. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements to the Council and the General Assembly (in particular A/HRC/20/13, A/HRC/25/38, A/HRC/28/44, A/63/519, A/64/516, A/65/365, A/66/364, A/67/375, A/68/513 and A/69/348).

3. In the report, the Secretary-General provides an update on the Israeli authorities' policies and practices aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, including through retroactive legalization of unauthorized outposts under Israeli law, the declaration of "State land" and zoning and planning policies. He also examines settler violence and steps taken by the Israeli authorities to address impunity of Israeli settlers involved in violent attacks against Palestinians. Finally, he examines the impact of continued settlement expansion and related policies on Palestinian communities, through an analysis of developments in Palestinian Bedouin and herder communities at risk of displacement.

II. Legal background

4. An analysis of the applicable legal framework and the basis for the obligations of Israel in the Occupied Palestinian Territory and occupied Syrian Golan can be found in previous reports of the Secretary-General (see A/69/348, paras. 4-5, and A/HRC/25/38, paras. 4-5).

III. Settlements as a driver of violations of international human rights and humanitarian law

5. The presence and continued development of Israeli settlements lie at the root of a broad spectrum of human rights violations in the West Bank, including East Jerusalem. This has been documented extensively, including in previous reports of the Secretary-General, and by the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (see A/HRC/22/63).

6. The settlements have resulted in the gradual fragmentation of the West Bank, restricted Palestinian access to natural resources in the Occupied Palestinian Territory and the subsequent impediment to the Palestinian people's right to self-determination (see A/HRC/22/63, A/70/351 and Council resolution 25/28).

7. Current Israeli practices related to the presence and expansion of settlements, which persisted during the period under review, similarly continue to have a profound impact on land and housing rights, the right to water and sanitation and freedom of movement, and result in restrictions on the right to education (see CCPR/CO/78/ISR, A/67/372 and A/HRC/28/55).

8. Successive reports by the Secretary-General have shown that the presence of settlements results in violations of the rights to life and to security of the person. The failure to address violent acts also renders individuals' right to a remedy illusory and promotes impunity.

IV. Settlement expansion

A. Overview

9. During the reporting period, Israeli authorities continued to expand settlements, to retroactively formalize unauthorized outposts in the West Bank, including East Jerusalem, and to approve plans for new settlements. Steps were also taken to enable the expansion of settlement-controlled areas through the declaration of "State land" and allocation of land in the West Bank for farming and construction purposes. As of the end of 2014, the total population in Israeli settlements in the West Bank and East Jerusalem was approximately 570,700. Overall, the settlement population in the Occupied Palestinian Territory has continued growing at a steady rate, with the latest available data showing an average growth rate of 14,600 people per year between 2002 and 2014.

10. The construction of settlements continued despite a slowdown in the planning and tendering of new housing units in settlements in the West Bank, including East Jerusalem. The planning of infrastructure related to settlements, such as roads, was not halted. These policies persisted despite the elections and the formation of a new Government on 14 May 2015. In the new Government, the pro-settlement Jewish Home party lost control of the Ministry of Housing and the Finance Committee chairmanship, both key for settlement activities. However, it gained other positions that are useful for promoting settlements, including in the Ministry of Justice and authority over the Settlements Division of the World Zionist Organization, a body attached to the Prime Minister's Office that channels significant funding to settlement activities. Additional concessions, including budgetary allocations to bolster local settlement authorities and measures to enable retroactive legalization, under Israeli law, of unauthorized outposts, were also included in the coalition agreement with the Jewish Home party.[1]

11. Sustained monitoring and pressure from the international community has had a mitigating effect on efforts by the Israeli authorities to implement the full range of settlement expansion initiatives presented by the Government of Israel during its first months in power. Diverging agendas within the governing coalition also served to rein in aspects of the pro-settlement agenda. Joint action by members of the Kulanu party, headed by Minister for Finance, Moshe Kahlon, together with Members of the Knesset from the ultraorthodox parties, prevented the inclusion of 61 West Bank settlements under a new system regulating income tax benefits for Israeli municipalities, although as part of a compromise, Hebron settlements remained on the list.[2] Those parties also played a role in blocking several pro-settlement legislative initiatives promoted by the Jewish Home party. Similarly, the Israeli High Court of Justice continued to play a role — albeit limited — in curbing aspects of settlement activity, particularly where Palestinian private land was concerned. Since the formation of his new Government, the Prime Minister, Benjamin

[1] Coalition agreement for the establishment of the thirty-fourth Government of the State of Israel, reached on 7 May 2015, between the Likud and Jewish Home parties.

[2] Moti Bossak and Zvi Zrahiya, "Government rejects plan to give 61 West Bank settlements tax benefits", *Haaretz*, 26 October 2015.

Netanyahu, has come under increasing pressure from settlement constituencies, including from his own party, to stop what they call a "de facto settlement freeze".

12. The escalation in violence in Israel and the Occupied Palestinian Territory, starting in September 2015, led to the hardening of the government position with regard to settlement expansion. A point of particular concern has been the response by the Government to political pressure from pro-settlement lawmakers and settler organizations to increase settlement construction in retaliation for acts of violence by Palestinians: namely, settlement expansion announcements by the Prime Minister regarding the retroactive legalization of settlement outposts around Itamar[3] and the promotion of particularly controversial plans for settlement expansion in the Muslim Quarter of the Old City and in the Ramat Shlomo settlement in East Jerusalem (detailed below).

13. Previous reports of the Secretary-General have detailed the range of practices resulting in the expansion of settlement control by the Israeli authorities over land in the Occupied Palestinian Territory (see A/69/348 paras. 33-35, and A/70/351, paras. 33-36). Construction of housing units is but one way of measuring such expansion. Indeed, the control of land through agriculture, the declaration of archaeological sites, national parks, infrastructure development, and the authorities' support for informal initiatives for settlement expansion all contribute to the growth and reinforcement of the presence of settlements in the Occupied Palestinian Territory. The Government of Israel has continued to support and promote the gradual takeover of land and resources through these methods.

B. Construction, tenders and plans

14. Israeli settlement construction and administrative steps enabling further expansion of settlements in the West Bank, including East Jerusalem, continued during the period under review. While the data available from the Israeli Central Bureau of Statistics points to a slight decrease in construction being started between 2013 and 2014,[4] the rate of construction for 2014 (2,705 construction projects started) remained above the annual average of 2,303 builds started per year over the previous 10-year period.

15. In October 2015, the Israeli non-governmental organization Peace Now reported on wide-ranging plans for West Bank settlement expansion and related settlement activity based on information obtained from the Ministry of Housing. From the disclosed documents, it appears that plans were promoted and partially implemented under previous Minister for Housing, Uri Ariel, from the Jewish Home party. The Prime Minister has subsequently publicly disavowed elements of these plans.[5] However, documents obtained by Peace Now detail funding by the Ministry of residential construction, as well as infrastructure and public structures, in various settlements between 2012 and 2015. This included funding for the construction of over 4,000 housing units, public structures (including the expansion of the Beit Romano and Beit Betar settlements in Hebron) and financial support (roughly US$ 460,000) disbursed in 2014 to municipal authorities in the West Bank towards public campaigns encouraging Israelis to move to settlements.

[3] On 1 October 2015, two Israeli citizens, Eitam and Na'ama Henkin, from the settlement of Neria, were killed in a drive-by shooting attack on the road between the settlements of Itamar and Elon Moreh in the West Bank.

[4] Information from Peace Now, based on Central Bureau of Statistics data, provided to OHCHR by e-mail dated 3 November 2015.

[5] Itamar Eichner, "Netanyahu: settlement construction plan led by Uri Ariel", *Ynet*, 30 December 2015.

C. Other means of settlement control over land

(a) National parks and archaeological sites

16. The Government of Israel has continued the practice of declaring and developing archaeological sites and parks as a means to expand control over land in the West Bank, including East Jerusalem. In several cases, the sites selected for development were located in close proximity to existing settlements, enabling either the expansion of lands under settlement control, or located in such a way that contiguous areas under settlement control could be made areas of strategic significance.[6] Israeli authorities have been directly involved in this practice, either through zoning and planning processes, funding the development of sites or granting leases and management privileges to private settler organizations.

17. In July 2015, the Jerusalem municipality posted signs in the East Jerusalem neighbourhood of Issawiya, stating that the area reserved for a national park at Mount Scopus had been put under a "vacant lot landscaping order", signifying the intention of municipality leaders to landscape and build facilities. The approval of the establishment of the Mount Scopus Slopes National Park in 2013, encompassing roughly 73 hectares on the eastern side of Mount Scopus, has been opposed by residents of the adjacent Issawiya and At-Tur neighbourhoods, on the grounds that it precludes the possibility of implementing much-needed urban development plans for those two areas.[7]

18. The Secretary-General and others have voiced concerns regarding the discriminatory urban planning regime in East Jerusalem (see A/HRC/25/38, paras. 11-14, and CERD/C/ISR/CO/14-16, para. 25), and the limitation of Palestinian development in the city as a result of the takeover of land for inclusion within national parks (A/70/351, para. 42).

19. On 7 June 2015, the Appeals Subcommittee of the National Planning Council approved plans for the development of the Kedem Compound in Silwan, promoted by the Elad settler organization to construct a major tourist site in the East Jerusalem neighbourhood of Silwan, some 20 metres from the walls of the Old City. Following objections submitted by Silwan residents and civil society organizations, the Subcommittee ruled to reduce the original plans by at least half.[8] These developments took place in the context of continued settlement expansion in the area. In three incidents between May and October 2015, Israeli settlers, under police escort, evicted six Palestinian families from their homes in the heart of the Palestinian neighbourhood of Silwan, following a ruling by an Israeli court in favour of the settlers who claimed ownership over the properties. In two additional incidents in August and September 2015, Israeli settlers, under police escort, moved into five residential buildings in Silwan that were previously vacated by their Palestinian residents. The buildings occupied are believed to have been sold by the

[6] See case study on Khirbet Silhoun (A/70/351, paras. 63-66); Kedem Compound, City of David Visitors Centre and Spring House tourist centre; and Tel Rumeida excavations and ancient site (see A/69/348, paras. 34-35). Following legal proceedings led by Hebron residents and the Israeli organizations Emekh Shaveh and Breaking the Silence, the Israeli Civil Administration decided to delay the opening of the Tel Rumeida "archaeological park" in Hebron, and rescinded an agreement with a private settler organization for the transfer of management rights of the site. According to archaeologists at Emek Shaveh, "the archaeological park is expected to increase the presence of Israelis in Hebron, add a national-historic site to the Jewish part of the city, and form a key tool in the settlers' drive to influence public opinion".

[7] The park had been in planning since 2005 and was approved despite the position of then Minister for Environmental Protection, Amir Peretz. See B'Tselem, "Mount Scopus Slopes National Park and the harm it causes to al-'Esawiya and a-Tur", 20 July 2015.

[8] Ir Amim Newsletter, 10 September 2015.

Palestinian owners. The Secretary-General has previously expressed concerns that the implementation of the plans for the Kedem Compound risks accelerating settlement expansion in Silwan, with repercussions for the human rights situation in the area (see A/70/351, para. 36).

20. On 10 August 2015, Israeli planning authorities in the West Bank approved plans for the development of a major archaeological and tourism site at Khirbet Seilun, on the lands of the Palestinian village of Qaryut. The site is located inside the boundaries of the Shilo settlement and is being promoted by Israeli authorities as "Tel Shiloh".[9] The planning body stopped short of providing full approval for the original master plan, but granted the Archaeology Staff Officer, within the Israeli Civil Administration the authority to approve individual structures on a case-by-case basis, including for tourism and commercial use. In a reversal of current practice, planning authorities required that Palestinian visitors be allowed entry without permits to the ancient site. At the time of writing, Palestinians still required permits to enter the area.[10]

(b) Expansion of "State land" boundaries

21. A further indicator of the expansion of land under settlement control has been evidenced in the activities of the Israeli Civil Administration's Task Force for the Survey of State Land Boundaries (the Blue Line task force). The Blue Line team is tasked with inspecting and defining the boundaries of land designated as State property, or so-called "State land" by Israeli authorities since 1970 (see A/HRC/22/63, para. 63). The declaration of State land constitutes a crucial step in the process of allocating land to settlements. According to the task force's operating guidelines, its activities are intended to settle claims of irregularities and remedy violations of the rights of landowners whose lands were unjustly seized.[11] The Civil Administration has argued before the High Court of Justice that land demarcations conducted by the Blue Line task force did not constitute formal declarations of State land, and were mere technical corrections of surveying mistakes. However, since 2009, the revisions conducted by the Blue Line task force have resulted in the expansion of State land boundaries by some 120,000 dunams (12,000 hectares).[12]

22. Until August 2015, the Blue Line task force re-drew State land boundaries without public announcements, thereby effectively preventing Palestinian landowners from laying claim to the surveyed land and granting no right of appeal. This practice was challenged before the Israeli High Court of Justice by Israeli human rights organizations and Palestinian landowners from the villages of Zawiya, Luban Al-Sharqiya and Qaryut, in the northern West Bank, following the expansion of State land boundaries by the Blue Line task force for the settlement of Eli in 2012.

23. Upon the request of the High Court of Justice, the Civil Administration issued revised guidelines on 11 August 2015, requiring prior notification of affected villages where any revisions of State land boundaries are intended, and granting a right of appeal within 45 days. Human rights organizations advocating for Palestinian landowners have expressed concern that the level of technical capacity and prohibitive costs required to

[9] See case study in the report of the Secretary-General (A/70/351, paras. 63-66).

[10] Emek Shaveh, press release, 12 August 2015.

[11] Revised guidelines of the Task Force for the Survey of State Land Boundaries, issued by the Head of the Israeli Civil Administration on 11 August 2015.

[12] Information from Dror Etkes (founder of Kerem Navot, an Israeli non-governmental organization that monitors settlement activity), based on Israel Defense Forces data, provided to OHCHR by e-mail dated 16 November 2015.

establish a claim against a revision of boundaries render the new guidelines meaningless for most affected landowners.

D. "Legalization" of unauthorized outposts

24. In 2014, the Secretary-General expressed concerns about steps taken by the Israeli authorities to retroactively formalize some 25 outposts in the West Bank (see A/70/251). During the period under review, the Israeli authorities pursued measures to retroactively legalize illegal outposts in the West Bank. These steps mostly follow the legal rationale and set of recommendations proposed by the government-appointed "Levy Committee" of 2012,[13] and are being promoted at the executive, military and legislative levels.

25. In the context of legal proceedings before the High Court of Justice, the Government of Israel declared its intentions to retroactively formalize a string of settlement outposts adjacent to the settlement of Shilo, in the southern Nablus governorate: Adei Ad, Esh Kodesh, Ahiya and Kidah. To that end, and as per the stated policy of Israel to retroactively legalize unauthorized settlement construction erected on so-called State land, the Blue Line task force has initiated the process of examining and redrawing State land boundaries in the area. By the Israeli authorities' own admission, these outposts are a hotbed for unlawful settlement activity and settler violence.[14] The human rights and humanitarian impact of the presence and expansion of the Shilo outposts on Palestinian communities has been examined in detail by the Secretary-General (see A/70/351).

26. On 21 October 2015, the Prime Minister approved a retroactive urban building plan for the settlement of Itamar and, on 29 October, he endorsed retroactive blueprints for three other settlements — Shvut Rachel, Sansana and Yaqir.[15]

27. In July 2015, the Prime Minister appointed a professional committee tasked with formulating recommendations for the retroactive "legalization" — under Israeli law — of settlement outposts.[16] This initiative came in an apparent response to pressure from settler groups following the rulings of the Israeli High Court of Justice ordering the evacuation of outposts and settlement neighbourhoods built on privately owned Palestinian land. On 21 July 2015, the Minister of Justice, Ayelet Shaked (of the Jewish Home party), stated: "It's time to clear the legal fog and let [Israeli] residents who live in [the West Bank], most of them in communities set up by various Israeli governments, stop worrying about a constant threat to the ownership of their homes".[17] At the time of writing, the committee had not submitted its recommendations.

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[13] In its July 2012 report, the "Levy Committee", established by the Government of Israel to investigate the legal status of the unauthorized settlements in the West Bank ("outposts"), recommended the legalization of the outposts. The report was not formally adopted by the Government of Israel (see A/HRC/22/63, annex I, p. 37).

[14] State's response dated 12 October 2015; High Court of Justice, case 8395/14, *Head of Turmusayya Village Council et al. v. Minister of Defense et al.* (available in Hebrew only).

[15] B'Tselem, "Retroactive 'laundering' of Itamar, Shvut Rachel, Sansana and Yaqir part of government policy to annex Palestinian land to State of Israel", 22 November 2015.

[16] The committee is tasked with the "formulation of an outline for regularizing structures and neighbourhoods in Jewish communities in [the West Bank] that were built with the involvement of the authorities". It is chaired by Cabinet Secretary, Avichai Mendelbit, and comprised of representatives of the Ministries of Agriculture and Defence. Information from a communication from the Prime Minister's Office, 19 July 2015.

[17] Revital Hovel, "New Israeli Panel Eyes Legalizing West Bank Outposts", *Haaretz*, 22 July 2015.

28. In October 2015, Likud Member of the Knesset, Yoav Kisch, proposed a bill aimed at enabling the "regulation" (retroactive legalization, under Israeli law) of settlement construction on private Palestinian land though the confiscation of land from their owners, in return for compensation.[18] According to his proposal, confiscated property would be allocated to the Settlement Division of the World Zionist Organization, which would subsequently allocate the land for the needs of retroactively "regulated" settlements. The proposals put forward in the bill circumvent the rulings of the Israeli High Court of Justice in a number of high-profile cases (see below), which ordered the demolition of illegal settlement construction on privately owned Palestinian land. A debate on the bill in the Ministerial Committee for Legislation was postponed at the last minute, apparently due to diplomatic pressure on the Government of Israel. In a comment published by the Knesset Channel website, Yoav Kisch stated that the bill had been suspended pending a review of its legality under international law. A similar bill had been rejected by the Knesset in 2012.

E. Court judgements and demolition of settlement structures

29. During the reporting period, the Israeli High Court of Justice issued rulings to uphold Palestinians' right to private property in the West Bank. This has been borne out in a number of high-profile rulings, including in the cases of Amona, Ofra, Beit El and Givat Zeev, as well as in the course of court proceedings regarding the construction on Qaryut lands in the settlement of Derekh Ha'Avot and the use of farmland by settlers in the Jordan Valley.

30. On 29 July 2015, Israeli security forces demolished two settlement apartment buildings, the "Dreinoff" buildings, which had been under construction on the outskirts of the settlement of Beit El, on privately owned land belonging to a resident of the adjacent Palestinian village of Dura al-Qara. The demolitions were carried out upon the orders of the Minister of Defence, pursuant to High Court judgments issued in September 2014 and June 2015, after lengthy legal proceedings and repeated attempts by the Israeli authorities and settlers to have the buildings retroactively approved.

31. Violent clashes erupted between hundreds of settlers and security forces in the days leading up to the scheduled demolition, as settler leaders and youth moved to occupy the buildings and confronted Israeli forces so as to prevent the demolition of the settlement structures. Unrest then spread to other areas in the West Bank. Developments in this case elicited strong reactions from factions of the Government of Israel, ultimately causing tensions within the governing coalition. Senior government officials of the Jewish Home party publically protested against the demolition, and Minister for Education, Naftali Bennett, addressed settlers and sympathizers gathered at the Dreinoff buildings, criticizing Ministry of Defence orders to deploy security forces to the site on the day before the scheduled demolition.[19] On the day of the demolitions, the Prime Minister approved the construction of 300 additional housing units in the Beit El settlement.[20]

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[18] Regulation Draft Law No. P/1973/20, 2015 (authors: Yoav Kisch, Bezalel Smotrich, David Bitan, Nava Boke, Israel Eichler, Eli Cohen, Machluf Miki Zohar, Avraham Naguisa, Robert Ilatov and Sharon Gal).

[19] Ministers Uri Ariel, Ze'ev Elkin and Yariv Levin released a joint statement: "We came here to express our support for the residents of Beit El, their desire to build up their community, and their protest against the unnecessary demolition." See Chaim Levinson, "Hundreds of Young Settlers Clash Violently With Police at Beit El", *Haaretz*, 28 July 2015.

[20] Stuart Winter and Judah Gross, "As two buildings torn down at Beit El, Netanyahu approves 300 more", *Times of Israel*, 29 July 2014.

32. The Secretary-General notes with concern the repeated requests by the State for delays of court-ordered demolition deadlines. Indeed, in the few cases of evictions of settlers and demolitions or residential settlement construction in recent years, Palestinian landowners have yet to regain full access to their plots. Palestinian claimants have seen few if any improvements in terms of access to land and the protection of their private property.

V. Settler violence and failure to maintain public order

A. Overview and trends

33. Settler violence is directly related to the continued existence and expansion of illegal settlements throughout the West Bank, including East Jerusalem, and has far-reaching implications for the rights of Palestinians (see A/HRC/28/44, paras. 39-46, and A/69/348, paras. 36-44).

34. During the period under review, the Office for the Coordination of Humanitarian Affairs recorded 253 incidents of settler-related violence, of which 101 resulted in injury to Palestinians, with the remainder causing damage to Palestinian property. This compares to 207 reported cases of casualties during the previous year, including five Palestinian fatalities (two killed by settlers and three killed by Israeli security forces) in settler-related incidents. The number of violent incidents related to settlements that resulted in injury to Israelis or to their property increased during the reporting period, to 123 incidents, of which 75 resulted in injury. By contrast, 96 incidents were reported during the previous 12-month period, including 69 injuries. The Secretary-General has repeatedly condemned all attacks against civilians and their property, which further fuel the cycle of violence.

35. In a case that garnered widespread international condemnation, in the early hours of 31 July 2015, the home of the Dawabsheh family, in the Palestinian village of Duma, was set on fire in an apparent attack by Israeli settlers. An 18-month-old child was killed in the attack and his parents later died of their wounds. A 4-year-old child of the couple remained hospitalized at the time of writing. On 31 July 2015, the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestinian Liberation Organization and the Palestinian Authority stated that he was outraged by the vicious arson attack by suspected Jewish extremists in the occupied West Bank village of Duma near Nablus, which killed Palestinian toddler, Ali, critically injured his mother and father and injured his 4-year-old sibling, and called for a full and prompt investigation to bring the perpetrators of this terrorist crime to justice.

36. While OHCHR monitoring of the case indicates that efforts have been made by Israeli law enforcement authorities to conduct an investigation into the incident, no indictments had been served at the time of writing, and the investigation was ongoing. On 10 September 2015, Israeli news media reported that "Israel's defense establishment knows who is responsible for the arson attack that killed three members of [the Dawabsheh family], but has chosen to prevent legal recourse in order to protect the identity of their sources". According to the same report, three Israelis were held in administrative detention in connection with the case.[21]

37. The climate of impunity enjoyed by violent settlers, combined with reports of an overall increase in the number of settler attacks inside Palestinian villages during the period

[21] Jonathan Lis and Chaim Levinson, "Israel Has Identified Duma Arson Suspects but Won't File Charges Yet, Says Defense Minister", *Haaretz*, 10 September 2015.

under review,[22] underscores the persistent climate of fear and insecurity experienced by Palestinians living in proximity to illegal settlements in the West Bank, including East Jerusalem.

38. A spike in settler violence was recorded in October 2015 in the context the wave of violence that erupted in the Occupied Palestinian Territory. An increase in incidents took place during the first days of October, following the killing of an Israeli couple by Palestinians in the West Bank on 1 October, and generally in the City and Governorate of Hebron where, according to data from the Office for the Coordination of Humanitarian Affairs, there were at least 30 settler attacks against Palestinians and Palestinian property. The attacks took the form of stone-throwing at Palestinian houses in the areas of the Wadi al-Hussein, Jabari and Al-Rajabi Quarters located in the vicinity of the settlement of Kiryat Arba. On 29 October, restrictions in the Israeli-controlled part of Hebron were further tightened when Israeli security forces closed off the area around the Tel Rumeida settlement, pursuant to a military closure order. While the onus of restrictions falls on Palestinians, Israeli settlers are allowed to move about freely throughout the area.[23]

39. Settler attacks and intimidation targeting volunteers and the representatives of international humanitarian organizations providing a protective presence and documenting human rights violations in the Israeli-controlled part of Hebron and in the southern Nablus governorate were reported during October 2015. The Secretary-General is concerned at these deliberate attacks against human rights defenders in the area. These attacks were compounded by restrictions on movement imposed by Israeli security forces, particularly at all checkpoints and on the road to Qurtuba School in Hebron, which links two settlements.

B. Israeli measures to address settler violence: accountability and prevention

40. In an effort to address the failure to protect and enforce the law against settlers, a specialized unit within the Israel Police West Bank District was established in early 2013. The Nationalistic Crimes Unit is charged with responding to ideologically motivated crimes committed by Israeli civilians, in coordination with the Israel Security Agency, the Israel Defense Forces and the Ministry of Justice. According to the Israeli Ministry of Justice, in 2014, the operationalization of the unit resulted in an increase of 64 per cent in the number of indictments filed against Israeli suspects.[24]

41. The Secretary-General welcomes the aforementioned steps taken by the Israeli authorities to address settler violence. However, cases handled by the Nationalistic Crimes Unit include criminal offences perpetrated against Israeli security forces and Israel Defense Forces property, as well as against Palestinians. According to data released by the Israeli police in January 2015, out of 83 indictments served by the Unit, only 25 per cent related to cases where the complainant was Palestinian.[25] A concern therefore remains that efforts by the Israeli authorities have not yet translated into significant improvements in the performance of law enforcement where the victims are Palestinian.

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[22] Yesh Din, "Data sheet: Law Enforcement on Israeli Civilians in the West Bank", October 2015.

[23] Protection Cluster, "Protection concerns and humanitarian impacts of settlement activity in Hebron city", April 2014.

[24] Response to Yesh Din report, "Mock Enforcement", from the Legal Counseling and Legislation Department (International Law) in the Ministry of Justice, 23 December 2014. See Yesh Din, "Mock Enforcement", May 2015, p. 148.

[25] Information released by the Israeli Police to Yesh Din following freedom of information procedures, provided to OHCHR in correspondence dated 9 December 2015.

42. Israeli authorities continue to make use of administrative measures against Israelis suspected of violent, ideologically motivated acts, in efforts to stave off such crimes. Steps included the administrative detention of three Israelis,[26] as well as the issuance of at least 36 administrative restraining orders, 16 of which were issued against minors. The latter mainly aimed at restricting movement of suspects in the West Bank.[27]

43. The use by Israel of administrative detention against Palestinians and Israelis alike has been condemned by the Secretary-General (see A/69/347, para. 29).[28] Where criminal charges cannot be brought, Israeli authorities should consider the use of alternative measures, such as restraining orders, and implement them in accordance with human rights obligations, including adequate judicial review and due process.

VI. Impact on Palestinian communities at risk of forcible transfer

(a) General overview

44. The Secretary-General voiced concerns at the deteriorating human rights and humanitarian situations facing Palestinian Bedouin and herder populations affected by home demolitions and Israeli plans for "relocation" of entire communities.[29]

45. The Secretary-General has previously noted the Israeli zoning and planning policy in the West Bank, which regulates the construction of housing and structures in Area C, is restrictive, discriminatory and incompatible with requirements under international law (see A/HRC/25/38, paras. 11-20). The planning system favours Israeli settlement interests over the needs of the protected population and makes it practically impossible for Palestinians living in Area C (approximately 300,000, according to the Office for the Coordination of Humanitarian Affairs) to obtain building permits. Severe restrictions on Palestinian planning in Area C further prevents the development of communities, which are effectively denied basic services and infrastructure under the current policy.

46. This impossibility of building safely creates enormous pressure on communities, particularly those targeted for relocation, as they know that within the current system there is no long-term protection from demolition and destruction of their property, creating a coercive environment that effectively drives communities off the land they have inhabited for decades.

47. According to the Office for the Coordination of Humanitarian Affairs, in a decrease compared with last year's reporting period, between 1 November 2014 and 31 October 2015, Israeli authorities demolished 554 Palestinian structures in the West Bank, including East Jerusalem, of which 137 were residential, inhabited structures. These demolitions resulted in the displacement of 712 Palestinians, and affected the livelihoods of communities throughout the West Bank.[30] During the previous year (1 November 2013 to 31 October 2014), the Office recorded demolitions of 628 Palestinian structures, which resulted in the displacement of 1,263 Palestinians.

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[26] Gili Cohen, "Ya'alon: Administrative Detention Used on Jewish Extremists to Prevent Future Attacks", *Haaretz*, 10 September 2015.

[27] Based on Israeli media reports between November 2014 and October 2015.

[28] See also 9 August 2015 Security Council briefing on the situation in the Middle East including the Palestinian question by Under-Secretary-General Jeffrey Feltman."

[29] See statement by the spokesperson for the Secretary-General, New York, 8 September 2015.

[30] Information from the Office for the Coordination of Humanitarian Affairs (unpublished), provided by correspondence dated 26 November 2015.

48. August 2015 saw the highest number of demolitions of Palestinian structures in a single month since June 2010, with some 140 Palestinian structures demolished and over 200 Palestinians displaced. The overwhelming majority of the demolitions were in Area C, mainly affecting already vulnerable Bedouin herding communities.

49. At the same time, activities by the Government of Israel aimed at relocation of Bedouins and herder communities progressed during the period under review. The planned relocation of the Bedouin and herder communities in Area C gives rise to serious concerns under international law. The Secretary-General reiterates concerns that the implementation of proposed relocations may amount to individual and mass forcible transfers. Except for temporary transfers for the security of the population or for imperative military reasons in the context of hostilities, forcible transfers violate human rights law and are prohibited under international humanitarian law. Under article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the unlawful transfer of protected persons constitutes a grave breach of its provisions, and potentially incurs the individual criminal responsibility of officials engaged in forcible transfers. In addition, the transfer of Palestinian Bedouin communities would contravene the obligations of Israel under international human rights law, particularly regarding the rights to freedom of residence and to adequate housing (see A/67/372, para. 37, and A/HRC/24/30, para. 29).

(b) Risk of forcible transfer of Susiya residents – South Hebron Hills

50. Susiya, a Palestinian community located in the Hebron governorate in the southern West Bank, is currently home to 55 Palestinian families, who have been living in this location for decades, on land they claim as their private property. The homes of half of these families and all the community's public structures are located in Area C, where Israel maintains full control over planning and zoning, and the remainder in Area B.[31] There are outstanding demolition orders for all the village's 170 structures located in Area C, which include 32 residential tents and shacks, 26 animal shelters and 66 family utility structures, 20 cisterns and 20 latrine units, 2 clinics, 1 school and 1 kindergarten, among others. Approximately half of these structures have been funded by international donors and provided as humanitarian assistance.

51. The nearby Israeli settlement of Susiya, established in 1983 in contravention of international law, has a population of nearly 1,000, some of whom live in an unauthorized outpost erected in 2002, on the original site of the Palestinian village of Susiya, on land that had been declared an archaeological site. By the end of the 1990s, the Israeli authorities had allocated over 1,500 dunams of land to the development of Susiya settlement (the "municipal boundaries"), an area that is over five times larger than its current built-up area. The Susiya settlement has been granted an outline plan that allows for the development of housing and infrastructure. While an adjacent settlement outpost was established without permits, the authorities have connected it to the water and electricity networks and refrained from enforcing pending demolition orders.

52. Owing to systematic settler violence and intimidation, Palestinian residents of Susiya village have limited or no access to over 2,000 dunams of their land, which constitute about two thirds of the community's farming and grazing area. This has a serious impact on their right to livelihood. In 2014 alone, some 800 olive trees and saplings owned

[31] In 1986, the Israeli authorities declared the main residential area of Susiya an archaeological site and evicted all of its residents. Most of those who relocated to what was later designated Area C, on plots of land adjacent to the original site of the village, were displaced again in the context of two waves of demolitions, in 2001 and in 2011, on the grounds of lack of building permits.

by Palestinian residents of Susiya were vandalized and damaged, allegedly by Israeli settlers.

53. The Israeli planning authorities have repeatedly rejected zoning and planning schemes submitted by the residents of the village of Susiya, which would allow the issuance of building permits on land that they own. On 4 May 2015, the Israeli High Court of Justice rejected the community's request for an interim injunction freezing demolitions in the village, thereby rendering 28 families vulnerable to imminent evictions and displacement.[32] In the course of legal proceedings before the High Court of Justice, the Israeli authorities further expressed their intention to "relocate" the community to a nearby site, adjacent to the Palestinian town of Yatta.

54. Over the summer of 2015, concerted efforts by the international community, including the United Nations and Member States, were successful in staving off Israeli demolition plans at the site. However, long-standing access restrictions to basic services and grazing land at Susiya, combined with systematic intimidation by Israeli settlers, has created a coercive environment, which raises concerns about forcible transfer in violation of international law.[33] In a High Court of Justice hearing on 3 August, both sides agreed to postpone the discussion in order to allow time for a negotiated solution. A mediation process between the residents and the Israeli authorities is currently ongoing.

(c) Bedouin relocation plan – central West Bank, including the Jerusalem periphery

55. During the reporting period, Israeli authorities advanced plans presented in April 2014 by Major-General Yoav Mordechai, the Coordinator of Government Activities in the Territories, for the "relocation" of some 46 Palestinian Bedouin communities in the Jerusalem periphery.[34] These plans foresee the removal of Palestinian communities in and around strategic areas earmarked for Israeli settlement infrastructure throughout the central part of the West Bank, including the planned E1 settlement project. The project has long been opposed by the international community as an obstacle to the realization of the two-State solution.[35]

56. The transfer plans of Israel place the Bedouin communities, currently residing in rural locations throughout the central West Bank in Area C, at risk of forcible transfer to three urbanized townships planned by the Israeli Civil Administration in Al-Jabal, Nweima and Fasayil. The relocation sites are being developed with the expressed purpose of "regulating Bedouins",[36] finding a "solution to the population residing in the area of the Adumim Bloc – western road No. 1"[37] and "settling permanently those Bedouin who are

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[32] Office for the Coordination of Humanitarian Affairs, "Susiya: a community at imminent risk of forced displacement", fact sheet, June 2015.

[33] Ibid.

[34] On 27 April 2014, Major-General Yoav Mordecahi formally presented these plans to the Subcommittee on Judea and Samaria of the Knesset Foreign Affairs and Defense Committee, chaired by Mordhay Yogev. The plans are outlined in a Powerpoint presentation entitled, "Infrastructure and Supervisory Units" referred to in the minutes of the Subcommittee meeting.

[35] Settlement construction plans in E1 would exacerbate the isolation of East Jerusalem from the rest of the West Bank and interrupt the territorial contiguity of the West Bank (see A/HRC/25/38).

[36] Powerpoint presentation of the Coordinator of Government Activities in the Territories, slide entitled, "Regulating Bedouins" from the presentation "COGAT takes steps to advance a number of plans to regulate the Bedouin population".

[37] Powerpoint presentation of the Coordinator of Government Activities in the Territories, slide entitled, "Programmes in the area of Ma'ale Adumim-Abu Dis – for a solution to the population residing in the area of the Adumim Bloc – western Road No. 1: Western Jahalin – programme operative,

there".[38] The implementation of these plans would hence entail the transfer of approximately 7,500 Palestinian Bedouin to the planned urban townships adjacent to Jericho, near the Jerusalem municipal landfill and in the Jordan valley.

57. The Bedouin, many of whom manage livestock as a traditional means of earning a livelihood, expressly oppose transfer to the proposed townships, as this would destroy their traditional pastoral economy, social fabric and rural way of life.[39] As an occupying Power, Israel has the duty to provide for the welfare of the protected population, and must take into account the Bedouins' rights, interests and needs.

58. The construction of one of the sites, Al-Jabal West, started in February 2015 as an expansion of the existing Al-Jabal township, and groundwork was completed in September 2015. On 6 September 2015, the Israeli Subcommittee for Planning and Licensing granted the Israeli Civil Administration approval, in principle, to issue building permits for 17 of 35 plots of land.[40] The Israeli Civil Administration has also advanced plans for the development of the Nweima township. In April 2015, Bedouin communities brought a legal challenge against the steps taken in the planning process.[41] At the time of writing this report, legal proceedings were still under way, and plans for a third township in Fasayil have not yet advanced.

59. Since April 2015, the Israeli Civil Administration has specifically targeted the Abu Nwar Bedouin community for transfer to Al-Jabal West. The land of Abu Nwar is located on the southern part of the E1 settlement construction project.[42] On 28 April, 2015, a government-appointed liaison officer informed the Abu Nwar community that they would be slated for full relocation and that 34 families should sign up to the Jabal site within one month. The mediator stressed that the Israeli Civil Administration would not permit the Abu Nwar community to remain in its current location. Overall, some 200 demolition orders have been issued for Abu Nwar since 1998, many of which remain allegedly enforceable at the discretion of the authorities. Only the orders issued in 2015 are currently protected by a temporary injunction order.[43]

60. In the context of the restrictive and discriminatory zoning and planning system, demolitions and eviction, or threats thereof, contribute to a coercive environment expected to leave little genuine choice to the affected communities but to leave, potentially, to at least one of three Israeli designated sites (see A/69/348, paras. 12-15). As previously stated by the Secretary-General (A/69/348, para. 16), Israeli "relocation" plans for Bedouin

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implementation tender soon. Afforested Jahalin – in process towards an environmental impact survey". The "population" referred to is the Bedouin communities.

[38] Minutes of the meeting of the Judea and Samaria Region Subcommittee of the Foreign Affairs and Defense Committee, the Nineteenth Knesset, 27 April, 2014. Benjamin Weil, Meeting Minutes, p. 52.

[39] In April 2014, several Bedouin families of the Jahalin tribe, who have been designated for relocation by the Israeli authorities, issued a "letter to the international community" in which they expressed their absolute rejection to the relocation plans of the Israeli Civil Administration.

[40] Information from Bimkom – Planners for Human Rights.

[41] The final objections hearing cannot be heard until there is a decision from the High Court of Justice on the petition, now pending a response from the Israeli Civil Administration, as this decision will impact the whole of the Nweima township plan.

[42] The outline plan for the E1 settlement construction project was approved by the Israeli Higher Planning Council in 1999. According to Bimkom – Planners for Human Rights, a detailed plan for the development of 1,500 settlement housing units on the 389 dunams of land where Abu Nwar currently sits is being developed.

[43] A court order prohibiting an action by a party to a lawsuit until there has been a trial or other court action.

communities in Area C would constitute forcible transfer in violation of international law, except where the affected persons provide their genuine and fully informed consent.

(d) Southern Jerusalem periphery

61. Continued expansion of the Gush Etzion settlement bloc, in the Bethlehem District, and the consequent access restrictions in the area, pose a risk of increased fragmentation and isolation of nine Palestinian villages from the Bethlehem urban centre, in addition to the existing separation from East Jerusalem.[44] This continuing consolidation of extensive Bethlehem areas into the Israeli "Greater Jerusalem" in the southern periphery expands deeply into the West Bank and cuts these areas off from East Jerusalem, undermining once again the territorial contiguity of the West Bank and, therefore, the viability of a Palestinian State.

62. As a result, the Palestinian villages of Al-Walaja, Battir and Wadi Fukin, in the Bethlehem Governorate, face fragmentation, including the seizure of land for potential settlement expansion or for the construction of the wall, restrictions of movement owing to the wall, and settler violence. In August 2014, the Israeli army expropriated large land areas from the Bethlehem Governorate, including the declaration of 400 hectares of "State land"[45] earmarked for the expansion of the Gva'ot settlement. For Wadi Fukin alone, the confiscated land represents between a third and a half of the village land, including land used for agricultural purposes, as well as land in the immediate vicinity of the local school. The expropriation is expected to have an immediate negative impact on livelihoods in the village and to complicate efforts to construct additional classrooms for the local student population. In addition, groundwork recently started for the construction of 218 settlement units in the area, further isolating Wadi Fukin village, whose only remaining access road is likely to be demolished to allow for this new extension.

63. Over the past few years, repeated settler violence incidents and environmental pollution have been documented by the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the Wadi Fukin area on Palestinian land, as well as regular visits of armed settlers to the irrigation pools, intimidating farmers. Israeli authorities have failed to prevent or reduce settler attacks or to hold perpetrators accountable. In addition, on 11 June 2015 the community witnessed a new instance of bulldozing and the demolition of two wells.

VII. Settlements in the occupied Syrian Golan

64. As mentioned by the Secretary-General in his report on the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (see A/HRC/28/44, para. 54), an estimated 21,000 Israeli settlers currently live in the occupied Syrian Golan in 33 settlements, heavily subsidized by Israel. These settlements enjoy a number of financial incentives, as well as a disproportionate allocation of water resources, which contributes to a higher agricultural yield for settlers. In October 2015, reports indicated that Israel intends to expand the size of its settlements over the next five

[44] In January 2015, the Israeli High Court removed petitions against the construction of the barrier in Battir from its caseload following a statement by the Israeli Government that the Barrier in these areas was no longer a priority.

[45] See statement by the Secretary-General on the matter, available from www.unmultimedia.org/radio/english/2014/09/un-chief-alarmed-by-israel-seizure-of-land-in-west-bank/#.VpardfnhBj0.

years by adding an additional 100,000 settlers to the region.[46] On the other hand, reports also refer to challenges faced by the Syrian population, which has grown from 7,000 in 1968 to approximately 25,000 people in 2015,[47] in the construction of new houses and infrastructure.[48]

65. Reportedly, major Israeli and international companies continue to exploit natural resources in the occupied Syrian Golan.[49] The Secretary-General reiterates that the Security Council, in its resolution 497 (1981), reaffirmed that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, the principles of international law and relevant Security Council resolutions, and decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

VIII. Conclusions and recommendations

66. **Israeli settlement activities remain at the core of many of the violations of human rights in the Occupied Palestinian Territory, including East Jerusalem. The Secretary-General reiterates that the settlement enterprise represents the most serious obstacle to a viable Palestinian State.**

67. **The Israeli authorities must halt and reverse the creation and expansion of settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan. In addition, Israel must immediately cease using land control mechanisms aimed at expanding the area effectively occupied by settlements, such as the designation of firing zones, archaeological parks and agricultural land. Israel must also immediately cease the exploitation of natural resources from these territories.**

68. **Displacement and relocation to alternative residential areas, as a result of demolition orders, and a coercive environment could amount to individual and mass forcible transfer and forced evictions, contrary to the obligations of Israel under international humanitarian and human rights law.**

69. **The Government of Israel must urgently cease discriminatory and unlawful planning processes in the West Bank, including East Jerusalem, as they result in violations of Palestinians' rights, inter alia, to access water and services, including health and education.**

70. **The Secretary-General reiterates that the Israeli authorities must ensure full criminal accountability for perpetrators of acts of settler violence.**

71. **Moreover, the Government must revoke all laws and policies and halt practices that directly or indirectly lead to the forcible transfer of Bedouin and herder communities. Specifically, the authorities must cease the demolition of Palestinian homes and private property and refrain from any initiative to relocate Bedouin and other herder communities in Area C, which is in contravention of international law.**

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[46] *Mint Press*, "Israel takes advantage of Syrian civil war to expand illegal Golan Heights settlements", 13 October 2015.

[47] For details on exploitation on natural resources, see A/70/36139, para. 76.

[48] Al-Marsad, Arab Human Rights Center in Golan Heights, "Landmines in the Occupied Golan and Israel's obligation under international human rights and humanitarian law".

[49] For instance, see *Mint Press*, "Israel takes advantage of Syrian civil war".

72. **The Government of Israel must implement all relevant United Nations resolutions, including Security Council resolutions pertaining to territories occupied since 1967.**